THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.2367 of 1999

DATED: 18.04.2007

BETWEEN:

Ms.M.Yellamma (died) and others.

…Petitioners

and

Revenue Divisional Officer,
(Land Acquisition Officer), Mahaboobnagar
and another.

....Respondents

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.2367 of 1999

ORDER

This writ petition is filed seeking mandamus declaring the action of the first respondent in not passing an award under Section 11 of the Land Acquisition Act, 1894 (for short 'the Act') having taken immediate possession of Ac.0.16 ½ guntas of land in Sy.No.1032/8 and 1033/3 situated in Mahaboobnagar Town, pursuant to Section 4(1) notification issued and published in the local Telugu daily 'Udayam' on 2.2.1995, as illegal, and arbitrary.

2. It is the case of the petitioners that they own land in an extent of Ac.0.16 ½ gts. in Sy.No.1032/8 and 1033/3 situated at Mahaboobnagar Town, and that as the Government of Andhra Pradesh required their land for the purpose of formation of roads, it has appointed the first respondent-Revenue Divisional Officer as Acquisition Officer for acquiring their land, and in pursuance of the same, draft notification under Section 4 (1) of the Act as amended by the Amendment Act XXXVIII of 1923 was issued and the same was published in the Gazette. Thereafter, the first respondent after following necessary procedure under the Act, took possession of their land and the roads were laid in the month of April, 1995.

3. The grievance of the petitioners is that the first respondent even though took possession of their land, has not conducted award enquiry

and also has not passed an award under Section 11 of the Act. Despite their several reminders, no action so far has been taken and no compensation is paid to them in respect of their land acquired by the first respondent.

4. A counter affidavit is filed by the first respondent stating that on requisition by the second respondent-Chairman, Agricultural Market Committee, the land in sy.no.1032 and 1033 to an extent of Ac.0.11 gts and 0.03 gts respectively situated at Mahabubnagar proper, was acquired for formation of road from Kosgi Road to Agricultural Market Committee, and accordingly, notification under Section 4 (1) and draft declaration under Section 6 of the Act were published. It is also stated that after issuance of notices under Sections 9 (1), 9 (3) and 10 of the Act, an award enquiry also was conducted and basing on the Pre Valuation report, the market value was fixed at Rs.350/-. However, as the Requisitioning Department has not provided sufficient funds, the award could not be passed.

5. Heard.

6. Admittedly, on perusal of the material available on record and on hearing the counsel for both the parties, it is evident that the possession of the land of the petitioners was taken by the first respondent in the year 1994, and thereafter, all the formalities as provided for under the Act are being complied with, but, the award could not be passed and the compensation was not paid to the petitioners for want of funds.

7. In view of the above observations, this Court directs the first respondent-Land Acquisition Officer to pass an award and pay the compensation amount to the petitioners within a period of six weeks

from the date of receipt of a copy of this Order.

7. Accordingly, this Writ Petition is disposed of. No order as to costs.

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(GOPALA KRISHNA TAMADA,J)

18.04.2007
v v